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S/N 10/626,496

REMARKS

Reconsideration of the present application is respectfully requested in view of the foregoing amendments and the following remarks. Claims 1 and 5 are amended, and Claim 7 is cancelled without prejudice. Claims 1-6 are currently pending.

I.   Preliminary Matters

Applicants amended the specification to update reference to co-pending applications. This amendment does not add new matter. Applicant also amended Claim 1 to correct typographical errors. This amendment does not narrow the scope of the claim in any way.

II.   Rejection of Claim 7 Under 35 U.S.C. § 101

Claim 7 stands rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter. Applicants respectfully traverse this rejection and do not concede any characterizations of the claims set forth in the Action. To expedite prosecution of this application, however, Applicants have cancelled Claim 7 without prejudice or disclaimer rendering this rejection moot.

III.   Rejection of Claim 5 Under 35 U.S.C. §112, Second Paragraph

Claim 5 stands under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which the Applicants regard as their invention. Applicants respectfully traverse this rejection and do not concede any characterizations of the claims set forth in the Action.

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To expedite prosecution of this application, however, Applicants have amended Claim 5 to clarify the claimed subject matter. Applicants respectfully submit that the amendment overcomes this rejection, adds no new matter, and does not narrow the claimed subject matter.

IV.   Rejection under 35 U.S.C. § 102(b)

Claim 1 stands under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,495,239 ("*Ouellette*"). Applicants respectfully traverse this rejection and do not concede any characterizations of the cited references or cited references set forth in the Action.

Claim 1 sets forth "a substation circuit programmed to: map the unique I.D. for the endpoint to a base frequency within a bandwidth and to control the endpoint to transmit a find endpoint data packet onto the power distribution network, the find endpoint data packet including the unique I.D. and the base frequency; and assign a status to the base frequency upon receiving a signal from the endpoint, the status indicating that the substation transceiver is receiving signals in the frequency bandwidth."

Ouellette fails to teach several elements from claim 1. First, *Ouellette* teaches a mobile node 22 that communicates to a metering device 16 with a protocol that includes fields identifying a source address field 30a and a source destination field 30b. Other fields included in the protocol consist of a Preamble, a Control, a Destination House Code, a Source House Code, Information, and a Frame Check Sequence. This protocol does not include a base frequency field or otherwise teach a data packet that

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includes a base frequency. Therefore, the pending claim is patentably distinct from *Ouellette* and Applicants request withdrawal of the pending rejection.

Second, *Ouellette* teaches communication of source and destination addresses fields from the metering device 16 to the mobile node 22. These fields enable the system to identify where the message came from and where it should be sent. It does not map or assign a unique I.D. to a base frequency as set forth in the claim. In fact *Ouellette* does not include any teaching the meter reading device 16 is mapped or assigned to a particular frequency. If it were mapped to the frequency, it would not be necessary to transmit the source and destination fields to identify the meter reading device 16. Furthermore, the mobile unit would not be able to reuse frequencies as it changed from location to location. Therefore, the pending claim is patentably distinct from *Ouellette* and Applicants request withdrawal of the pending rejection.

Third, *Ouellette* teaches that the mobile node 22 translates an RF signal so it is compatible with a wide area communication system, col. 8, lines 2-8, and equates that translation to status assignment. However, transforming the signal means converting it from one form to another. In this reference, to and from a communication protocol compatible with wide area communications. It does not assign a status, which is a condition or state of being, to the base frequency as set forth in claim 1. More particularly, it does not assign a status "indicating that the substation transceiver is receiving signals in the frequency bandwidth." Therefore, the pending claim is patentably distinct from *Ouellette* and Applicants request withdrawal of the pending rejection.

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Ouellette does not teach any of the elements set forth in Claim 1. Therefore, Applicants respectfully request reconsideration and withdrawal of the pending rejection.

V.   Rejection of Claims 2 and 6 under 35 U.S.C. § 103(a)

Claims 2 and 6 under 35 U.S.C. § 103(a) stand rejected as being obvious over Ouellette in view of U.S. Patent No. 6,900,737 ("Ardalan"). Applicants respectfully traverse this rejection and do not concede any characterizations of the cited references or cited references set forth in the Action.

As discussed above, Ouellette fails to teach, inter alia, the following elements as set forth in the pending claims: a data packet that includes a base frequency, mapping a unique I.D. to a base frequency, or assigning a status to a base frequency. Ardalan also fails to teach all of these elements. Therefore, no combination of Ouellette or Ardalan will result in the claimed combination of elements. Applicants respectfully request withdrawal of the pending rejection.

VI.   Rejection of Claims 3 and 4 under 35 U.S.C. § 103(a)

Claims 3 and 4 stand rejected as being obvious over Ouellette in view of U.S. Patent No. 5,502,726 ("Fischer"). Applicants respectfully traverse this rejection and do not concede any characterizations of the cited references or cited references set forth in the Action.

As discussed above, Ouellette fails to teach, inter alia, the following elements as set forth in the pending claims: a data packet that includes a base frequency, mapping a unique I.D. to a base frequency, or assigning a status to a base frequency. Fischer

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also fails to teach all of these elements. Therefore, no combination of *Ouellette* or *Fischer* will result in the claimed combination of elements. Applicants respectfully request withdrawal of the pending rejection.

VII.   Rejection of Claim 5 under 35 U.S.C. § 103(a)

Claim 5 stands rejected as being obvious over *Ouellette* in view of *Fischer* and further in view of U.S. Pat. Pub. No. 2004/0105386 ("*Sipola*"). Applicants respectfully traverse this rejection and do not concede any characterizations of the cited references or cited references set forth in the Action.

As discussed above, *Ouellette* fails to teach, *inter alia*, the following elements as set forth in the pending claims: a data packet that includes a base frequency, mapping a unique I.D. to a base frequency, or assigning a status to a base frequency. *Fischer* and *Sipola* also fail to teach all of these elements. Therefore, no combination of *Ouellette* with *Fischer* or *Sipola* will result in the claimed combination of elements. Applicants respectfully request withdrawal of the pending rejection.

VIII.   Conclusion

In view of the foregoing remarks, Applicants respectfully request withdrawal of all the pending rejections and allowance of the pending claims. Applicants note that there may be other reasons that the pending claims are patentably distinct and reserve the right to raise any such reasons in the future. Please contact the undersigned attorney if there are any questions or if a telephone interview can otherwise advance prosecution of this application.
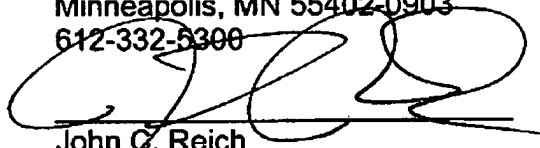
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Please grant any extensions of time required to enter this response and charge

any additional required fees to our deposit account 13-2725.

Respectfully submitted,

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Date: January 14, 2008

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